

# AMEND OR VACATE A SUBDIVISION



## ***CARBON COUNTY PLANNING DEPARTMENT***

*Dave Levanger, Director of Planning  
435-636-3261*

*Frankie Hathaway, Zoning Administrator  
435-636-3260*

*July 15, 2013*

## **INSTRUCTIONS TO AMEND, VACATE, OR ALTER AN EXISTING RECORDED SUBDIVISION**

1. Meet with the zoning Administrator or staff to review the proposed amendment and become familiar with the lot size, frontage, and other requirements of the Development Code and the zone where the subdivision is located.
2. Complete and submit to the Zoning Administrator your petition (see attached) to vacate, amend, or alter the plat. *Remember* that you will be financially responsible for the preparation of the new plat and all other zoning fees, plus the cost of the advertisement for the public hearing to be held by the County Commission to consider your proposal. You must also pay all recording fees for the new plat, which must be prepared by a licensed Utah Professional Land Surveyor. As the Developer, you will also be responsible for meeting the requirements for sewer or septic and for water rights for any new lots created.
3. The Zoning Administrator will schedule your petition and request to vacate or amend on the agenda of the next available regular Planning Commission Meeting for their review and recommendation to the County Commission.
4. The Zoning Administrator will publish the notice of the public hearing in the Sun Advocate at least two weeks prior to the public hearing, for which you, the Developer, will pay.
5. The Developer will give notice of the proposed plat change by mailing a copy of the public hearing notice by certified letter to each owner of property within the effected subdivision being proposed for change.
6. The County Commission will hold a public hearing to consider approval of the proposed vacation, alteration, or amendment, and will vote to either approve or disapprove the change.
7. If the petition to vacate, alter, or amend a plat does NOT involve a public street or road, and if the Developer is able to obtain the signatures of all owners of record of the land contained in the entire plat, *consenting to the vacation, alteration, or amendment*, no public hearing will be required; the new plat will be considered by the Planning Commission, and upon their approval of the change, can be signed by all appropriate entities, and recorded.

PETITION TO VACATE, AMEND, OR ALTER  
A RECORDED SUBDIVISION

Pursuant to Utah Code 17-27a-608, we the under signed owner(s) of record of lot(s) in the \_\_\_\_\_ Subdivision do hereby petition to vacate, amend, or alter a portion of said plat as herein described:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Petitioner must be a fee owner of land within the subdivision being proposed for vacation, amendment, or alteration.

Signature	Lot Number	Date
-----------	------------	------

Signature	Lot Number	Date
-----------	------------	------

Petition shall include the name and address of all owners of record of the land contained in the entire plat; the name and address of all owners of record of land adjacent to any public street that is proposed to be vacated, altered, or amended, and the signature of each of these owners who consents to the petition.

Lot #	Lot Owner (Please Print)	Address	Signature if consent
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

Please use extra pages if necessary.

**17-27a-608. Vacating or amending a subdivision plat.**

(1) (a) A fee owner of land, as shown on the last county assessment roll, in a subdivision that has been laid out and platted as provided in this part may file a written petition with the land use authority to have some or all of the plat vacated or amended.

(b) If a petition is filed under Subsection (1)(a), the land use authority shall hold a public hearing within 45 days after the day on which the petition is filed if:

(i) any owner within the plat notifies the county of the owner's objection in writing within 10 days of mailed notification; or

(ii) a public hearing is required because all of the owners in the subdivision have not signed the revised plat.

(2) Unless a local ordinance provides otherwise, the public hearing requirement of Subsection (1)(b) does not apply and a land use authority may consider at a public meeting an owner's petition to vacate or amend a subdivision plat if:

(a) the petition seeks to:

(i) join two or more of the petitioning fee owner's contiguous lots;

(ii) subdivide one or more of the petitioning fee owner's lots, if the subdivision will not result in a violation of a land use ordinance or a development condition;

(iii) adjust the lot lines of adjoining lots or parcels if the fee owners of each of the adjoining lots or parcels join the petition, regardless of whether the lots or parcels are located in the same subdivision;

(iv) on a lot owned by the petitioning fee owner, adjust an internal lot restriction imposed by the local political subdivision; or

(v) alter the plat in a manner that does not change existing boundaries or other attributes of lots within the subdivision that are not:

(A) owned by the petitioner; or

(B) designated as a common area; and

(b) notice has been given to adjacent property owners in accordance with any applicable local ordinance.

(3) Each request to vacate or amend a plat that contains a request to vacate or amend a public street, right-of-way, or easement is also subject to Section **17-27a-609.5**.

(4) Each petition to vacate or amend an entire plat or a portion of a plat shall include:

(a) the name and address of each owner of record of the land contained in:

(i) the entire plat; or

(ii) that portion of the plan described in the petition; and

(b) the signature of each owner who consents to the petition.

(5) (a) The owners of record of adjacent parcels that are described by either a metes and bounds description or by a recorded plat may exchange title to portions of those parcels if the exchange of title is approved by the land use authority in accordance with Subsection (5)(b).

(b) The land use authority shall approve an exchange of title under Subsection (5)(a) if the exchange of title will not result in a violation of any land use ordinance.

(c) If an exchange of title is approved under Subsection (5)(b):

(i) a notice of approval shall be recorded in the office of the county recorder which:

(A) is executed by each owner included in the exchange and by the land use authority;

(B) contains an acknowledgment for each party executing the notice in accordance with the provisions of Title 57, Chapter 2a, Recognition of Acknowledgments Act; and

(C) recites the descriptions of both the original parcels and the parcels created by the exchange of title; and

(ii) a document of conveyance of title reflecting the approved change shall be recorded in the office of the county recorder.

(d) A notice of approval recorded under this Subsection (5) does not act as a conveyance of title to real property and is not required to record a document conveying title to real property.

(6) (a) The name of a recorded subdivision may be changed by recording an amended plat making that change, as provided in this section and subject to Subsection (6)(c).

(b) The surveyor preparing the amended plat shall certify that the surveyor:

(i) holds a license in accordance with Title 58, Chapter 22, Professional Engineers and Professional Land Surveyors Licensing Act;

(ii) has completed a survey of the property described on the plat in accordance with Section **17-23-17** and has verified all measurements; and

(iii) has placed monuments as represented on the plat.

(c) An owner of land may not submit for recording an amended plat that gives the subdivision described in the amended plat the same name as a subdivision recorded in the county recorder's office.

(d) Except as provided in Subsection (6)(a), the recording of a declaration or other document that purports to change the name of a recorded plat is void.

Amended by Chapter 269, 2010 General Session

Amended by Chapter 381, 2010 General Session

Regulating Agencies and phone numbers:

Price River Water Improvement District  
Jeff Richens, District Manager 637-6350

Southeastern Utah Health District  
Bradon Bradford, 637-3671

State of Utah Div. Of Drinking Water  
State Engineer  
Marc Stilson  
637-1303

Carbon County Road Shop  
Brad McCourt, Supervisor  
Howard Jennings  
636-3268

Carbon County Engineer  
Curtis Page 636-3231

Local Professional Land Surveyors:

Morgan Moon  
637-3437

Cody Ware  
820-4335

Talon Resources  
687-5310

John Huefner  
637-0288

Johansen & Tuttle  
381-2523

Albert Spensko  
472-5996

Jones & DeMille  
637-8266

Evan Hansen  
637-5748